

REMARKS

Claims 35-57 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Edwards et al. (U.S. Patent No. 5,819,029) in view of O'Neal et al. (U.S. Patent No. 5,887,253). Neither reference, alone or in combination, discloses or suggests a call which documents terms and conditions being affirmatively accepted without a service contract, as recited by the claims.

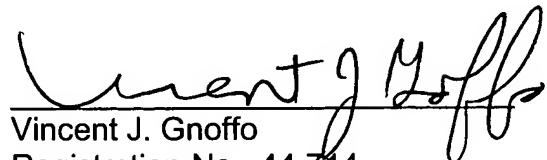
The Office Action is incorrect that Edwards et al. and O'Neal et al. teach verifying, without a service contract, accepting terms and conditions. Edwards et al. tries to address problems that may occur when a customer switches a long distance service but denies ever having given the authorization to switch the service. Therefore, Edwards et al. relates to a third party verification system of a service contract. A customer database manager contacts the customer and, responsive to the customer's authorization to switch a long distance carrier, creates a text file of the customer's responses to a series of questions supporting the authorization to switch the service. Therefore, a service contract is involved in Edwards et al. O'Neal et al. relates to activating and servicing a cellular telephone service. In step 217, a voice response unit plays recorded messages to the customer concerning the terms and conditions of cellular service, charges and payments, and any other contract provisions which the customer must acknowledge and accept. The voice response unit then instructs the customer to indicate acceptance of the terms and conditions by pressing a key or speaking a specified word or phrase. See Col. 13, ll. 18-25. Therefore, the system of O'Neal also relates to a service contract.

Conversely, the claims recite that "the terms and conditions are accepted without a service contract." The processor then "creates a record of the session in the database, wherein the database maintains a recorded audio representation of at least a portion of the telecommunication call which documents that an individual has affirmatively accepted the terms and conditions."

In view of the foregoing remarks and amendments, Applicants submit that the claims are in condition for allowance. Reconsideration is therefore respectfully

requested. If there are any questions concerning this response, the Examiner is asked to phone the undersigned attorney at (312)-321-4200.

Respectfully submitted,



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